

## United States District Court

for the

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Eastern District of Washington

DEC 11 2006

Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

Name of Offender: Shawhan Denise Powell

Case Number: 2:03CR00144-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 1/12/2004

Type of Supervision: Probation

Original Offense: Aiding and Abetting Armed Bank  
Robbery, 18 U.S.C. § 2113 (a) and (d)

Date Supervision Commenced: 1/12/2004

Original Sentence: Probation - 36 Months

Date Supervision Expires: 1/11/2007

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

You shall reside in a community corrections center until the term of supervised release has been terminated, on or about January 11, 2007. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of that facility. You shall remain at the facility until discharged by the Court.

**CAUSE**

Shawhan Powell violated the conditions of her supervised release by consuming cocaine and marijuana on November 28 and November 29, 2006. She also violated the conditions of supervision by failing to appear for urinalysis testing on November 30, 2006.

On the above dates, Shawhan Powell was summoned to the U.S. Probation Office and Second Chance, respectively, for urinalysis testing. Both samples were tested and returned a presumptive positive reading for cocaine and marijuana. On December 4, 2006, Shawhan Powell reported to the probation office and was questioned about the positive specimens she submitted. At that time, Ms. Powell acknowledged ingesting cocaine and marijuana with a friend on or about November 25, 2006 and again on December 2, 2006. She also signed an admission of drug use form, which has been attached to this violation report.

Shawhan Powell's adjustment to supervision is considered marginal. There have been multiple allegations of drug use and she has failed to report for urine testing as required. On November 22, 2006, a violation report and a request for no action was submitted after Ms. Powell violated conditions of her supervised release by ingesting cocaine. The Court concurred with the undersigned officer's recommendation and continued Ms. Powell under supervision. It was noted that the frequency of urine testing was increased and the offender would resume mental health counseling and commence substance abuse counseling to address her needs.

Prob 12B

**Re: Powell, Shawhan Denise**  
**December 5, 2006**  
**Page 2**

On November 29, 2006, the undersigned officer participated in an intervention meeting attended by Ms. Powell and the assigned mental health counselor. Ms. Powell indicated that she is struggling to maintain while under supervision and would like the Court to extend her term of supervised release. She expressed a need for continued support while attempting to adapt in the community. Alternative forms of support were discussed and community based organizations designed to support those battling chemical dependency were identified. It was determined that Ms. Powell should be given the opportunity to address her needs through counseling for the remainder of her supervision.

Unfortunately, Ms. Powell's drug use has escalated and she continues to surround herself with people in the community who are involved in illicit activities. In fact, she admitted to consuming illicit drugs with a co-worker on several occasions.

On December 4, 2006, Shawhan Powell signed a waiver of hearing agreeing to participate in a Residential Re-Entry Center (RRC) program until her anticipated expiration date. The offender remains amenable to attending substance abuse counseling and residing in a stable environment while addressing her addiction issues. Ms. Powell is currently employed and able to maintain her apartment while participating in the RRC program. She is scheduled to commence substance abuse treatment on December 12, 2006 at New Horizon Care Centers. The undersigned officer is prepared to facilitate placement at Bannum Place of Spokane, if Your Honor concurs. It is believed that the environment at the RRC will provide a conducive atmosphere for the offender to refocus and regain a sense of direction as exhibited early on during supervision.

It is respectfully recommended that the attached waiver of hearing to modify conditions of supervised release be adopted to require Shawhan Powell to reside in, and satisfactorily participate in, a RRC program until January 11, 2007.

Respectfully submitted,

by

Tommy Rosser

Tommy Rosser  
 U.S. Probation Officer  
 Date: December 5, 2006

---

**THE COURT ORDERS**

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other

Howard K. Kline

Signature of Judicial Officer

12/11/06

Date

# United States District Court

## Eastern District of Washington

### **Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

You shall reside in a community corrections center until the term of supervised release has been terminated, on or about January 11, 2007. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of that facility. You shall remain at the facility until discharged by the Court.

Witness:

Tommy Rosser

Tommy Rosser  
U.S. Probation Officer

Signed:

Shawhan Denise Powell

Shawhan Denise Powell  
Probationer or Supervised Releasee

12-4-06

Date

EDWA13 (12/02)

**EASTERN DISTRICT OF WASHINGTON  
U.S. PROBATION AND PRETRIAL SERVICES  
ADMISSION OF DRUG USE**

I, Powell, Shawhan, hereby admit that I have used the following drug(s) on the date(s) indicated below without proper medical authorization in the form of a valid prescription or physician's instructions:

<u>DRUG</u>	<u>Cocaine/Marijuana</u>	<u>11/25/06</u>
<u>DRUG</u>	<u>Cocaine</u>	<u>12/2/06</u>
<u>DRUG</u>		<u>DATE</u>

This admission of drug use is made voluntarily and without threat or promise, and I understand that it can be used against me in U.S. District Court or U.S. Parole Commission proceedings. An admission may also result in my being requested to participate in an assessment and/or recommended treatment.

SIGNED

Defendant/Offender

Date

USPTSO/USPO

12/4/06

Date